

**A RESOLUTION
BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**A RESOLUTION AUTHORIZING THE SETTLEMENT OF ~~01~~^R-0149
CLAIMS RESULTING FROM THE CASE OF DONALD COLES
AND JULIET COLES, Individually and as Natural Guardians and
Next Friends of JENNIFER COLES, a minor, and as Representatives
of the Estate of DONALD COLES, JR., Deceased v. CITY OF
ATLANTA; State Court of Fulton County, Georgia; Civil Action NO.
98VS136855A; FOR \$185,000; AUTHORIZING THE CHIEF
FINANCIAL OFFICER TO DISBURSE THE SETTLEMENT
AMOUNT; AND FOR OTHER PURPOSES.**

WHEREAS, Donald Coles and Juliet Coles filed a lawsuit against the City of Atlanta in the State Court of Fulton County, Georgia on February 17, 1998; and

WHEREAS, the lawsuit arises from a motor vehicle accident that occurred on April 6, 1997 in which Plaintiffs were struck by a car driven by Yolanda West; and

WHEREAS, Plaintiffs alleged that the accident caused the wrongful death of Donald Coles, Jr., aged seven years at the time of the accident; property damage; and personal injuries; and

WHEREAS, Plaintiffs alleged that obstruction of the City's stop sign erected at the intersection of Butner Road, S.W. and Niskey Lake Road, S.W. was a contributing cause to the collision; and

WHEREAS, Plaintiffs further alleged that the accident caused them to incur medical expenses, lost wages, emotional distress, as well as, pain and suffering; and

WHEREAS, the City Attorney's office has thoroughly investigated the facts and circumstances involved in this case and has determined that it is desirable and in the best interests of the City to settle all claims of Plaintiffs against the City arising out of the facts alleged in the lawsuit for \$185,000; and

WHEREAS, Plaintiffs have agreed to accept from the City the payment of \$185,000 in settlement of all claims against the City arising out of the facts and circumstances of this lawsuit.

**THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY
RESOLVES AS FOLLOWS:**

SECTION 1. The City Attorney is authorized to settle the case of DONALD COLES
AND JULIET COLES, Individually and as Natural Guardians and Next
Friends of JENNIFER COLES, a minor, and as Representatives of the
Estate of DONALD COLES, Jr., Deceased v. CITY OF ATLANTA; State

Court of Fulton County, Georgia; Civil Action File No. 98vs136855A, for the sum of One Hundred Eighty Five Thousand Dollars (\$185,000), in exchange for Plaintiffs' execution and delivery to the City of Final Payment and General Release and a Notice of Voluntary Dismissal With Prejudice.

SECTION 2. The Chief Financial Officer is authorized to pay a total sum of \$185,000 to Donald Coles, Sr. and Juliet Coles, individually and as parents of Donald Coles, Jr. and Jennifer Coles, and to attorneys Cathey and Strain, Attorneys and issued from account number 1A01 529017 T31001.